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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,703	03/29/2004	Takahiro Kurosawa	03500.018001.	9054
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EXAMINER				
CUTLER, ALBERT H				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,703

Applicant(s)

KUROSAWA ET AL.

Examiner

ALBERT H. CUTLER

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-16, 18-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-16, 18-21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communication filed on June 23, 2009.

Response to Arguments

2. Applicant's arguments with respect to claims 11, 16, 21, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The Information Disclosure Statement (I.D.S.) filed May 5, 2009 was received and has been considered by the Examiner.

Claim Objections

4. All claim objections previously made by the Examiner are hereby removed in view of Applicant's response.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kido et al. (US 2004/0109071).

Consider claim 26, Kido et al. teaches:

A method for generating a plurality of moving picture files (paragraphs 0169-0176, figures 16-20), the method comprising:

obtaining moving picture data taken by a camera (CCD image capturing device, 20), and information about an area which is prohibited from being displayed (Figure 20 shows obtaining moving image data at 30 frames per second. The Examiner interprets area LG of figure 16 to be an area which is prohibited from being displayed, as area LG is not recorded when recording image data GF corresponding to area LF, and area LG is thus prohibited from being displayed when a moving image file of area LF is reproduced, paragraphs 0173, 0174 and 0176. The reading start position and reading end position (i.e. information about an area which is prohibited from being displayed) is obtained for the partial image areas (LF and LG), paragraph 0085.);

determining a time for dividing during taking the moving picture data based on the information about the area obtained at the obtaining step such that the moving picture data taken by the camera is divided into first moving picture data including the area which is prohibited from being displayed and second moving picture data not including the area which is prohibited from being displayed (See figure 20, paragraphs 0175-0176. A time for dividing during taking the moving picture data based on the information about the area obtained is determined such that the moving picture data taken by the camera is divided into first moving picture data including the area which is prohibited from being displayed (MPG corresponding to area LG, see time MB2) and second moving picture data not including the area which is prohibited from being displayed (MPF corresponding to area LF, see time MB1).);

dividing the moving picture data at the time determined at the determining step (See figure 20, paragraphs 0175-0176. The moving picture data is divided between the time to capture partial images (LF and LG), respectively, and the time to capture a draft image.); and

generating a first moving picture file (MPG) which includes the first moving picture data (GG) and does not include the second moving picture data (GF), and generating a second moving picture file (MPF) which includes the second moving picture data (GF) and does not include the first moving picture data (GG, "a group of continuous images GF and a group of continuous images GG are recorded as separate moving image files MPF and MPG", paragraph 0176).

Consider claim 27, Kido et al. details the use of a computer readable program in paragraph 0074. The rest of claim 27 recites a method having the same scope and content as claim 26, and is thus rejected under the same rationale (see claim 26 above).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 11, 13-16, 18-21, 23-25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya et al. (US 6,208,379) in view of Sleekx (US 2002/0175995).

Consider claim 11, Oya et al. teaches:

A method of generating divided moving picture data, the method comprising:
obtaining moving picture data taken by a camera (An image signal is obtained from a video camera, column 4, lines 50-62.), and information about a control of the camera which is taking the moving picture data (The current "video range" (i.e. information about a control of the camera) of a camera is obtained by a camera management server (68), column 17, lines 53-57.);

determining a time for dividing during taking the moving picture data, based on the information about the control of the camera which is taking the moving picture data (The moving picture data is divided such that a display not permitted range is blacked out, figure 34, column 17, lines 21-31. A time for dividing is determined as the black

portion changes along with panning or zooming of the camera, thus changing the video range of the camera as a function of time, column 17, lines 21-31.);

dividing the moving picture data at the time determined at the determining step (See column 17, lines 21-31, figures 34, 36, and 38-44. The moving picture data is divided between moving image portions and blacked out portions.).

However, Oya et al. does not explicitly teach generating a plurality of moving picture files, each including divided moving picture data divided at the dividing step.

Sleeckx similarly teaches a video monitoring system which can be remotely accessed for real time video information (paragraph 0002).

However, in addition to the teachings of Oya et al., Sleeckx teaches generating a plurality of moving picture files containing the obtained moving picture data (See paragraphs 0047 and 0048. The processed video information is recorded in a plurality of one hour segmented video files.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to generate a plurality of moving picture files as taught by Sleeckx, each including the divided moving picture data taught by Oya et al. for the benefit of obtaining video archive segments which can be easily transferred to and manipulated at a remote viewing terminal without undue delay (Sleeckx, paragraph 0048).

Consider claim 13, and as applied to claim 11 above, Oya et al. further teaches that the information about the control of the camera is information relating to switching

of the camera to another camera (The display not permitted area is determined based upon the specific camera which a user has switched to, column 16, lines 34-59.).

Consider claim 14, and as applied to claim 11 above, Oya et al. further teaches that the information about the control of the camera is information indicating that one of pan, tilt, and zoom of the camera is being processed ("panning or zooming", column 17, lines 29-31).

Consider claim 15, and as applied to claim 11 above, Oya et al. further teaches that the information about the control of the camera is information relating to a change amount per unit time (A time for dividing is determined as the black portion changes along with panning or zooming of the camera, thus changing the video range of the camera as a function of time, column 17, lines 21-31.).

Consider claim 28, and as applied to claim 11 above, Oya et al. further teaches that the information about the control of the camera is information indicating movement toward a pre-set position (A time for dividing is determined as the black portion changes along with panning or zooming of the camera (i.e. toward a pre-set position), thus changing the video range of the camera as a function of time, column 17, lines 21-31.).

Consider claim 30, and as applied to claim 11 above, Oya et al. further teaches that the information about the control of the camera is information relating to changing

the direction of the camera (A time for dividing is determined as the black portion changes along with panning or zooming of the camera, thus changing the video range of the camera as a function of time, column 17, lines 21-31.).

Claim 16 recites an apparatus having the same scope and content as method claim 11, and is thus rejected under the same rationale (see claim 11 above).

Claims 18-20 are the same in scope and content as claims 13-15, respectively, and are thus rejected under the same rationale (see claims 13-15 above).

Consider claim 21, Oya et al. teaches implementation of the invention via a computer readable medium (column 20, lines 15-24). The rest of claim 21 recites a method having the same scope and content as claim 1, and is thus rejected under the same rationale (see claim 1 above).

Claims 23-25, 29 and 31 are the same in scope and content as claims 13-15, 28 and 30, respectively, and are thus rejected under the same rationale (see claims 13-15, 28 and 30 above).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622